

STATE OF GEORGIA
COUNTY OF FULTON

**AN ORDINANCE TO ADOPT AND APPROVE AN
ORDINANCE RELATING TO OFFENSES AND VIOLATIONS
AND PROVIDING FOR THEIR INCLUSION AND
IDENTIFICATION IN THE FUTURE DEVELOPED CODE
OF ORDINANCES FOR THE CITY OF SANDY SPRINGS, GA
TO BE REFERENCED IN THE FUTURE AS
CHAPTER 12 (OFFENSES AND VIOLATIONS) AS ATTACHED
HERETO AND INCORPORATED HEREIN, AND REPEALING
CHAPTER 48, OFFENSES, CODE OF LAWS OF FULTON COUNTY, GA
PART II, CODE OF ORDINANCES AND RESOLUTIONS, SUBPART A,
CODE OF ORDINANCES, APPENDIX A.**

BE IT ORDAINED by the City Council of the City of Sandy Springs, GA while in regular session on December 1, 2005 at 7:00 p.m. as follows:

SECTION 1. That the Ordinance relating to Offenses and Violations is hereby adopted and approved; and is attached hereto as if fully set forth herein; and,

SECTION 2. That this Ordinance shall be designated as Chapter 12 of the Code of Ordinances of the City of Sandy Springs, GA; and,

SECTION 3. This Ordinance is effective December 1, 2005; and,

SECTION 4. That this Ordinance shall become effective upon its adoption.

ORDAINED this the 1st day of December, 2005.

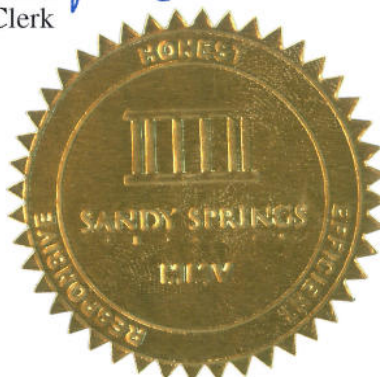
Approved:


Eva Galambos, Mayor

Attest:


Jeanette R. Marchiafava, City Clerk

(Seal)



Chapter 12: Offenses and Violations

Article 1: General Prohibitions.

Section 1: Disorderly Conduct.

- (a) It shall be unlawful for any person to disturb or endanger the public peace or decency by any disorderly conduct.

- (b) The following acts, among others, are declared to be disorderly conduct:
 - (i) Act in a violent or tumultuous manner toward another whereby any person is placed in fear of the safety of such person's life limb or health;
 - (ii) Act in a violent or tumultuous manner toward another whereby the property of any person is placed in danger of being damaged or destroyed;
 - (iii) Cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another;
 - (iv) Assemble or congregate with another or others for the purpose of gaming;
 - (v) Be in or about any place, alone or with others, with the purpose of or intent to engage in any fraudulent scheme, trick or device to obtain any money or valuable thing' or to aid or abet any person doing so;
 - (vi) Be in or about any place where gaming or illegal sale or possession of alcoholic beverages or narcotics or dangerous drugs are practiced, allowed or tolerated, for the purpose of or intent to engage in gaming or the purchase, use, possession or consumption of such illegal drugs, narcotics or alcohol;
 - (vii) Direct fighting words toward another, that is, words which by their very nature tend to incite an immediate breach of the peace;
 - (viii) Interfere, by acts of physical obstruction, with another's pursuit of a lawful occupation;
 - (ix) Congregate with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic, and to fail to clear that public way after being ordered to do so by a city police officer or other lawful authority;
 - (x) Stand or remain in or about any street, sidewalk, overpass, or public way so as to impede the flow of vehicular or pedestrian traffic, and to fail to clear such street, sidewalk, overpass or public way after being ordered to do so by a police officer or other lawful authority;

- (xi) Disrupt by actions which tend to cause an immediate breach of the peace the undisturbed activities of any house of worship, hospital, or home for the elderly; or
- (xii) Throw bottles, paper, cans, glass sticks, stones, missiles, or any other debris on public property.

Section 2: Offenses against public morals

(a) House of ill fame.

- (i) A person, having or exercising control over the use of any place or conveyance within the city which would offer seclusion or shelter for the practice of prostitution, commits the offense of keeping a place of prostitution when such person knowingly grants or permits the use of such place for the purpose of prostitution;
- (ii) Those places or conveyances which have been adjudged to be places of prostitution as provided in this code may be abated as also provided in this code.

(b) Solicitation for an illicit sexual act.

- (i) It shall be unlawful for any person, while in any place open to the public and whether as a pedestrian or in a motor vehicle, to offer or consent to perform any illicit sexual act for money or any other thing of value. Furthermore, it shall be unlawful for any person while in a place open to the public and whether a pedestrian or in a motor vehicle, to attempt to induce, entice, solicit, pander, purchase or procure another to commit any illicit sexual act for money or other things of value. An illicit sexual act is defined as one or more of the following:

- (1) Prostitution
- (2) Sodomy for hire
- (3) Masturbation for hire

Any person engaging in violation of this Code section shall be guilty of the offense of Idling and loitering for the purposes of committing an illicit sexual act.

- (ii) For purposes of sub section (i), any person shall include solicitors of illicit sexual acts or panderers, who solicit, procure or purchase another to perform any illicit sexual act in exchange for money or other things of value, and who are commonly referred to as “johns” or “tricks”.

(c) Criminal impersonation

- (i) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Intent to defraud means the use of deception with the intention to injure another's interest which has economic value.

- (ii) Intent. A person is guilty of criminal impersonation if such person:

- (1) Assumes a false identity and does not act in such person's assumed character with the intent to defraud another; or

- (2) Pretends to be a representative of some person or organization and does an act in such person's pretended capacity with the intent to defraud another.

- (d) Indecency. It shall be unlawful for any person to perform any of the following acts in a public place:

- (i) An act, or simulated act of sexual intercourse;
 - (ii) An exposure of one's genitals, or of one's breasts, if female;
 - (iii) The touching, caressing or fondling of the genitals, or the breast, of a female.

- (e) Defecating or urinating on public property or in areas. It shall be unlawful to defecate or urinate on the streets or sidewalks, or in the halls or elevator of public or commercial buildings, or on any property open to public view in the city.

- (f) Spitting. It shall be unlawful for any person to spit upon sidewalks, or upon the floors of places of worship, buses, public halls, theaters or other public places.

Section 3: Alcohol related offenses.

- (a) Alcohol consumption near package stores. It shall be unlawful for any person to open or to consume all or any part of any type of alcoholic beverage within 100 feet of any retail store where alcoholic beverages are sold in package form or within the boundary lines of the property on which such retail store is located, whichever constitutes the greater distance.

- (b) Drinking in public. It shall be unlawful for any person to drink any vinous, malt or other alcoholic beverage while on any streets, sidewalks, alleyways, parking areas or other open areas operated and controlled by the city, or while in or on the grounds of any MARTA station. Further it shall be unlawful for any person to drink any vinous, malt or

other alcoholic beverage while in any city park except during permitted festivals or at other licensed locations within such parks.

A licensee may prepare and serve alcoholic beverages to be consumed within an outdoor dining area as part of the operation of a sidewalk café. Open containers of alcoholic beverages shall only be transported into or out of outdoor dining areas by the licensee's working employees as part of their work duties.

(c) Disorderly while under the influence.

- (i) Acts constituting violation. It shall be unlawful for any person within the corporate limits of the city to be disorderly while under the influence on the streets sidewalks or other public places. The following acts are declared to be in violation of this section:
 - (1) Any person who acts in a reckless manner so as to create an unreasonable risk to himself, to others or to property in the vicinity while under the influence of alcohol or drugs.
 - (2) Any person who shall defecate or urinate on the streets or sidewalks or in the halls or elevators of public or commercial buildings, or on any property open to public view in the city while under the influence of alcohol or drugs.
 - (3) Any person who, without provocation, uses to or of another, in such person's presence fighting words, or who shall panhandle under the influence of alcohol or drugs.
 - (4) Any person who shall act in a tumultuous manner toward another so as to endanger the life limb, health or property of another while under the influence of alcohol or drugs.
 - (5) Any person who shall lie down or otherwise obstruct, block or impede pedestrian or vehicular traffic on any sidewalk, street, or entrance or exit to any public way, house of worship, business, public hall, theater, public conveyance or other public place and who shall refuse to remove themselves when ordered to do so by a city police officer or other lawful authority while under the influence of alcohol or drugs.
 - (6) Any person who shall act in a boisterous, turbulent, or agitated manner, or who shall use profane, vulgar, loud or unbecoming language while under the influence of alcohol or drugs while on the city streets sidewalks, or other public places within the corporate limits of the city.
- (ii) Duty of peace officer. Any peace officer, in accordance with standards set out in standard operating procedures promulgated by the police chief, may take or send an individual under the influence of alcohol or drugs to such person's home or to a treatment facility in lieu of incarcerating such person for violations of this section or when such person is unresponsive to the officer's communications. Any peace officer so acting shall be considered as carrying out such peace officer's official duty. The standard operating procedures shall set out the circumstances under which a peace officer may send an individual

home or to treatment facility without formally rendering charges against a person.

- (d) Furnishing to, purchasing of, or possession by person under 21 years of age of alcoholic beverages.
 - (i) Except as otherwise authorized by law:
 - (1) No person directly or through another person, shall furnish, cause to be furnished, or permit any person in such person's employ to furnish any alcoholic beverage to any person under 21 years of age;
 - (2) No person under 21 years of age shall purchase, drink or knowingly possess any alcoholic beverages;
 - (3) No person under 21 years of age shall misrepresent such person's age in any manner whatever for the purpose of obtaining illegally any alcoholic beverage;
 - (4) No person knowingly or intentionally shall act as an agent to purchase or acquire any alcoholic beverage for or on behalf of a person under 21 years of age;
 - (5) No person under 21 years of age shall misrepresent such person's identity or use any false identification for the purpose of purchasing or obtaining any alcoholic beverages; or
 - (6) No person shall keep or maintain a place where persons under 21 years of age are allowed and permitted to come and purchase, drink or possess any alcoholic beverage.
 - (ii) The prohibitions contained in subsections (1), (2) and (4) of this subsection shall not apply with respect to the sale, purchase or possession of alcohol beverages for consumption:
 - a. For medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in this state; or
 - b. At a religious ceremony.
 - (iii) The prohibitions contained in subsections (1), (2) and (4) of subsection (i) of this section shall not apply with respect to the possession of alcoholic beverages for consumption by a person under 21 years of age when the parent or guardian of the person under 21 years of age gives the alcoholic beverage to the person and when possession is in the home of the parent or guardian and such parent or guardian is present.
 - (iv) The prohibition contained in subsection (1) of subsection (i) of this section shall not apply with respect to sale of alcoholic beverages by a person when such person has been furnished with proper identification showing that the person to whom the alcoholic beverage is sold is 21 years of age or older. For purposes of this subsection, the term "proper identification" means any document issued by a governmental agency containing a description of the

person, such person's photograph, or both, and giving such person's date of birth and includes, without being limited to, a passport, military identification card, driver's license, or an identification card authorized under O.C.G.A. §§ 40-5-100 through 40-5-104. "Proper identification" shall not include a birth certificate.

- (v) If such conduct is not otherwise prohibited pursuant to O.C.G.A. § 3-3-24, nothing contained in this section shall be construed to prohibit any person under 21 years of age from:
 - a. Dispensing, serving, selling or handling alcoholic beverages as a part of employment in any licensed establishments;
 - b. Being employed in any establishment in which alcoholic beverages are distilled or manufactured; or
 - c. Taking orders for and having possession of alcoholic beverages as a part of employment in a licensed establishment.
- (vi) Testimony by any person under 21 years of age, when given in an administrative or judicial proceeding against another person for violation of any provision of this section, shall not be used as an admission in any administrative or judicial proceedings brought against such testifying person under 21 years of age.
- (vii) Nothing in this section shall be construed to modify, amend or supersede O.C.G.A. tit. 15, ch. 11 (O.C.G.A. § 15-11-1 et seq.).
- (viii) Any person convicted of violating any prohibition contained in subsection (i) of this section shall be punished by a fine not to exceed \$1,000.00 or imprisonment in the city jail for not more than 180 days or both; except that any person convicted of violating subsection (i)(2) of this section shall be punished by not more than 30 days' imprisonment or a fine of not more than \$300.00 or both. Any defendant charged under this section shall be entitled upon request to have the case against such defendant transferred to the court having general misdemeanor jurisdiction in the county in which the alleged offense occurred. Any person charged with a second or subsequent offense under this section shall be punished as for a misdemeanor of a high and aggravated nature in the court having general misdemeanor jurisdiction in the county in which the alleged offense occurred.
- (ix) Whenever any person who has not been previously convicted of any offense under this section or under any other law of the United States or this or any other state relating to alcoholic beverages pleads guilty to or is found guilty of a violation of subsection (i)(2) or (i)(3) of this section, the court, without entering a judgment of guilt and with the consent of such person, may defer further proceedings and place such person on probation upon such reasonable terms and conditions as the court may require. The terms of probation shall preferably be such as require the person to undergo a comprehensive rehabilitation program, including, if necessary, medical treatment, not to exceed three years, designed to acquaint such person with the ill effects of

alcohol abuse and to provide such person with knowledge of the gains and benefits which can be achieved by being a good member of society. Upon violation of a term or condition of probation, the court may enter an adjudication of guilt and proceed accordingly. Upon fulfillment of the terms and conditions of probation, the court shall discharge such person and dismiss the proceedings against such person. Discharge and dismissal under this subsection shall be without court adjudication of guilt and shall not be deemed a conviction for purposes of this subsection or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. Discharge and dismissal under this subsection may occur only once with respect to any person.

- (x) Unless the officer has reasonable cause to believe such person is intoxicated, a law enforcement officer may arrest by issuance of a citation a person accused of violating only subsection (i)(2) of this section. The citation shall enumerate the specific charges against the person and either the date upon which the person is to appear and answer the charges or a notation that the person will be later notified of the date upon which the person is to appear and answer the charges. If the person charged shall fail to appear as required, the judge, having jurisdiction of the offense may issue a warrant or other order directing the apprehension of such person and commanding that such person be brought before the court to answer the charges contained within the citation and the charge of such person's failure to appear as required. Nothing in this subsection shall be construed to invalidate an otherwise valid arrest by citation of a person who is intoxicated.

Section 5: Vandalism.

(a) Public Property

- (i) It is unlawful for any person to vandalize, deface, or in any way alter the appearance or operation of any public property or park in the City.
- (ii) No person shall spit on the floors, walls, or other parts of any public building in the City.

(b) Private Property

- (i) It is unlawful for any person to vandalize, deface, or in any way alter the appearance or operation of any private property without the consent of the owner.
- (ii) This subsection shall not be construed as affecting any remedy the private property owner may have at law.

Section 6: Graffiti.

(a) Purpose and Intent.

- (i) Graffiti promotes blight in the neighborhoods in which it occurs and encourages similar acts of vandalism. Without prompt removal of graffiti, other properties become the target of graffiti and entire neighborhoods are affected and become less desirable places in which to live and work.
 - (ii) The Council members of the City of Sandy Springs in the interest of public health, safety, and welfare further find and declare that to be truly effective in the deterrence, eradication, and removal of graffiti, it is necessary to implement a comprehensive anti-graffiti ordinance.
- (b) Definition. “*Graffiti*” means the defacing, altering, modifying, changing, drawing, damaging, or destroying by spraying or use of paint, or marking of ink, dye, or any other similar substances on public and/or private buildings, structures, and places, an inscription, slogan, drawing, or modification.
- (c) Prohibited Acts.
- (i) It shall be unlawful for any person(s) to deface, alter, modify, change, draw, damage, or destroy by spraying or use of paint, or marking of ink, dye, or any other similar substance on public and/or private buildings, structures and places, an inscription, slogan, drawing, or modification, or otherwise damage private or public property in contradiction of other City ordinances, by or through the application of “graffiti” as defined herein.
 - (ii) It shall be unlawful for any person owning or otherwise being in control of any real property within the City to maintain, permit, or allow any graffiti to be placed upon any structure located on such property when the graffiti is visible from the street or other public or private property after notice, in writing, has been given to such person in control of said property.
- (d) Graffiti Notice of Removal. It shall be unlawful for any person, firm, or utility owner, or acting as a manager, tenant, or agent for the owner of the property, to permit the application of or fail to remove graffiti within 10 business days after written notice is given.
- (e) Graffiti Notice Procedure.
- (i) Whenever the City becomes aware of the existence of graffiti or other unsightly conditions on any property, including structures or improvements within the City, a police officer or code enforcement officer shall give or

cause to be given, written notice to the property owner, and/or owner's agent, tenant, or manager to remove such graffiti or other unsightly condition there from.

- (ii) The notice required by this section may be served in any one of the following manners:
 - (1) By personal service or registered or certified mail addressed to the owner or the last known address of said owner. If this address is unknown, the notice will be sent to the property address. Such notice shall allow 10 days from the date of notice for removal of identified graffiti.
 - (2) In the event that the City has attempted to notify the proper person under (A)., above, and is unable to do so, then the City is authorized to post the above notice on the main entrance of the building.
 - (iii) For the purposes of giving the notice to the owner of the property, the person shown as the owner of said property on the ad valorem tax records of the City shall be sent such notice at the address shown thereon unless the City receives actual notice that another person owns said property. In addition, the owner may notify the City that the tenant, pursuant to a written lease, has control of the property or has control of that portion of the building which is the subject matter of this ordinance and, in the event the City receives such notice, the City shall notify the tenant of the notice of removal as provided in this ordinance and proceed against the tenant and not the owner. Provided, however, as to any violation of this ordinance in existence on _____, 2005, any notice of removal shall give 60 days for the removal thereof.
- (f) Accepted Graffiti Removal Products.
- (i) The Planning and Zoning Department shall maintain a list of substances designated as acceptable products to remove specific types of graffiti from specific surfaces (unpainted brick, concrete, stone, etc.). This list shall include detailed information on the appropriate use of such designated substances. Appropriate use of said substances by property owners shall constitute compliance with the requirement to remove graffiti contained herein.
 - (ii) Use of any of these items or any other items are at the risk of the user. The City does not recommend the products. Use may discolor or damage the finish of the surface the products are used on.
- (g) City Cost Declared Lien. If the person, agent, firm, manager, or owner of the property fails to remove the graffiti by the end of the 10-day notification period, the City Manager may cause the graffiti to be removed and charge to the property owner the expenses incurred. Upon the completion of removal by the City, the City shall provide the proper party written notice consistent with subsections (d) and (e), above, of the total cost of removal and shall give the proper party 30 days to pay the total

cost incurred by the City. If the expenses of the removal remain unpaid for a period of 60 days, the City may place a lien against the property upon which said nuisance existed and from which the graffiti was removed.

- (h) Graffiti Penalty. Any person who is convicted of violating this Article shall be punished in a manner consistent with Chapter 1, General Provisions, Article 3, Violations, Section 1 of this Code of Ordinances. The Municipal Court may suspend or probate a portion or all of its sentence upon such conditions to include but not be limited to the restoring of the property so defaced, damaged, or destroyed, or other remedial action.

Section 7: Tampering with Utilities.

- (a) It is unlawful for any person to disturb, tamper with, or remove any guy wires from any electric power pole, utility pole, or telephone pole located within the City.

Section 8: Fines and Punishment

Any person found guilty of violating the any provision of this Article shall be punished in a manner consistent with Chapter 1, General Provisions, Article 3, Violations, Section 1 of this Code of Ordinances.

Article 2: False Alarms.

Section 1: Definitions

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *“Burglar alarm system”* means any assembly of equipment or device, whether mechanical or electrical, arranged or designed to signal by any means the occurrence of an illegal entry into the premises or any other activity requiring urgent police attention and to which the Police Department may reasonably be expected to respond; provided, however, that this definition does not include alarm systems installed exclusively for the purpose of signaling an ongoing robbery, fire or medical emergency, and does not include any alarm system installed in a motor vehicle.
- (b) *“Burglar alarm user”* means the person or other entity which owns, leases, rents, manages, possesses, or has primary control over the premises in which a burglar alarm system is installed or maintained.
- (c) *“Chief of Police”* means the Chief of the Fulton County Police or the Chief of Police of the City of Sandy Springs Police Department if such department is established or his designee.
- (d) *“False alarm”* means the activation of a signal from a burglar or fire alarm system which elicits a response from the Police or Fire and Rescue Department when there is in fact no emergency or actual or threatened criminal activity necessitating such a response. This definition includes, without being limited to, any burglar alarm system signal activated as a result of weather, negligence, accident, mechanical failure, electrical failure, electrical surge, signals activated intentionally in nonemergency situations, and signals activated where the actual cause of such activation is unknown. There is a rebuttable presumption that an activated burglar or fire alarm system signal is a false alarm if the responding personnel, after following normal procedures in their response and investigation, find no evidence of unauthorized entry, criminal activity or other emergency. An activated alarm system signal shall not be considered a false alarm if:
 - (i) The Police or Fire and Rescue Department is notified to cancel its response by the alarm user or the alarm user’s monitoring agent prior to the time emergency personnel arrive at the premises;
 - (ii) The burglar or fire alarm system signal was intentionally activated by an individual based upon a reasonable belief that an emergency or actual or threatened criminal activity requiring immediate response existed;
 - (iii) The burglar or fire alarm system signal was activated by lightening or other act of nature resulting in an electrical surge which causes physical damage to the alarm system and which damage is evidenced by the written report of a

licensed alarm system contractor who conducted an inspection of the system at the premises and personally observed such physical damage.

- (e) “*Fire alarm*” means any assembly of equipment or device, whether mechanical or electrical, arranged or designed to signal by any means the occurrence of a fire at the premises.
- (f) “*Police Department*” means the City of Sandy Springs Police Department.
- (g) “*Premises*” means the building or structure or any portion of a building or structure in which there is installed or maintained a burglar alarm system.

Section 2: Purpose and Intent.

Based on the experiences of surrounding municipalities and communities and their law enforcement officers, the Council finds that emergency response to false alarms creates additional risks to public safety by diverting limited public safety resources away from both real emergencies and normal patrol activities intended and designed to prevent criminal acts. Therefore, the purpose of this Article is to promote public safety by making burglar and fire alarm users in the City of Sandy Springs directly responsible for preventing false alarms.

Section 3: Registration Required.

- (a) No later than 5 business days following the installation of any burglar or fire alarm system, the alarm user shall provide the following information to the Chief of Police:
 - (i) The complete name, address, and phone number of the alarm user;
 - (ii) The names of all persons authorized to enter the premises and deactivate the alarm system signal as well as all phone numbers at which such persons can be reached;

- (iii) The name and telephone number of the alarm user's monitoring agent, if any; and
 - (iv) If known, the name and telephone number of the person or entity which installed the alarm system.
- (b) Any changes in the information set forth in subsection (a) of this section must be reported to the Chief of Police within 5 business days. Burglar or fire alarm users utilizing alarm systems installed prior to the effective date of this Article shall provide the information set forth in subsection (a) of this section to the Chief of Police no later than 60 days following such effective date, unless sooner requested in writing by the Chief of Police.
- (c) The registration requirements of this subsection shall not apply where the alarm system is installed in premises used exclusively for residential purposes; provided, however, upon the occurrence of the third false alarm within any calendar year at any such premises used exclusively for residential purposes, the Chief of Police is authorized to require in writing that the alarm user comply with the registration requirements within 5 business days.
- (d) All alarm systems installed before incorporation of the City of Sandy Springs shall be registered with the Chief of Police within 6 months after the effective date of this Article. The City may authorize the City Manager to obtain the registration information from Police Chief of Fulton County, Georgia.

Section 4: Deactivation Mechanism Required.

No burglar or fire alarm system installed after the effective date of this Article shall be used unless such system is equipped with a mechanism or device that automatically deactivates the alarm system signal no later than 30 minutes after activation.

Section 5: Monitoring and Enforcement.

The Chief of Police shall receive and maintain all information required to implement the terms of this Article and shall be responsible for its enforcement. This Article shall be enforced by the issuance of a citation and prosecution in the City Municipal Court, or other court of competent jurisdiction.

Section 6: Prohibitions.

- (a) It shall be a violation of this Article for any burglar or fire alarm user to cause, allow or permit three or more false alarms in any calendar year. It shall also be a violation of this Article for any burglar or fire alarm user to fail or otherwise refuse to comply with the registration or equipment requirements set forth in Sections 3 and 4 of this Article.
- (b) No person shall intentionally make, turn in, or report a false alarm of fire or false request for police or ambulance assistance, or aid or abet in the commission of such an act.

Section 7: Penalties.

Upon conviction, violations of this Article shall be punished as follows:

- (a) For the third and each subsequent false alarm that occurs at the same premises within any twelve-month period, a fine shall be assessed in the amount of \$50.00; provided, however, that no burglar alarm user shall be assessed fines in excess of \$200.00 for false alarms that occur at the same premises in any 24-hour period.
- (b) For all other violations of this Article, not including false alarms, a fine shall be assessed in the amount of \$100.00 and, in addition thereto, the violator may be enjoined by the Municipal Court Judge from continuing the violation.
- (c) Each violation shall constitute a separate offense.
- (d) False alarms shall not be counted for purposes of assessing the penalties provided for in subsection (a) of this section so long as such false alarms occur within 10 days following the installation of the burglar or fire alarm system.

Article 3: Nuisances.

Section 1: Definitions.

(a) The following conditions being maintained or located on an owner's property may be declared to be nuisances when any one of them endangers the health, welfare, or good of other persons or the good order of the community:

- (i) Stagnant water on premises;
- (ii) Any dead or decaying matter; weeds; vegetation; or any fruit, vegetable, animal, or rodent, upon premises which is odorous or capable of causing disease or annoyance to the inhabitants of the City;
- (iii) The generation of smoke or fumes in sufficient amounts to cause odor or annoyance to the inhabitants of the City;
- (iv) The pollution of public water or the injection of matter into the sewerage system which would be damaging thereto;
- (v) Maintaining a dangerous or diseased animal or fowl;
- (vi) Obstruction of a public street, highway, or sidewalk without a permit;
- (vii) Loud or unusual noises which are detrimental or annoying to the public, including without limitation unusual loud disturbances in or around churches or multiple-family complexes such as loud music and other activities in swimming pool and clubhouse areas;
- (viii) All walls, trees, and buildings that may endanger persons or property;
- (ix) Any business or building where illegal activities are habitually and commonly conducted in such a manner as to reasonably suggest that the owner or operator of the business or building was aware of the illegal activities and failed to reasonably attempt to prevent the activities;
- (x) Unused iceboxes, refrigerators, and the like, unless the doors, latches or locks thereof are removed; and
- (xi) Any other condition constituting a nuisance under state law or this Code.

(b) This section shall not be construed to be the exclusive definition of nuisance within this Code.

Section 2: Complaint of nuisance.

(a) Any official or inhabitant of the City may direct a complaint of nuisance to the City Police Department, or the City Manager or his designate. Any complaint of nuisance shall be investigated by the Police Department and may be placed on the Municipal Court docket for a hearing upon the basis of the investigation.

(b) The Municipal Court, after 5 days' notice to the party involved, shall hold a hearing thereon and upon finding that a nuisance does exist shall issue an order to the owner, agent in control of, or tenant in possession, stating that a nuisance has been found to exist and that the nuisance must be abated within so many hours or days as the judge shall deem reasonable, having consideration for the nature of the nuisance and its effect on the public.

(c) County animal control officers or City building and license inspectors of the City may also receive complaints, investigate the same, and place on the court docket such complaints in the same manner as police officers.

Section 3: Abatement by City.

(a) In any case where the owner, agent, or tenant fails to abate the nuisance in the time specified, or where the owner, agent, or tenant cannot be served with notice, or where the nature of the nuisance is such, in the opinion of the Municipal Court Judge, that it must be immediately abated, the judge may issue an order to the Chief of Police directing the nuisance to be abated.

(b) The Chief of Police, in such case, shall keep a record of the expenses and cost of abating same, and the costs shall be billed against the owner, agent, or tenant for collection as for City revenues generally and shall become a lien on the property of such persons.

(c) Other City departments shall assist the Chief of Police as is necessary in abating nuisances hereunder.

Section 4: Nuisance per se; exception; summary abatement.

Nothing contained in this Chapter shall prevent the Municipal Court Judge from summarily and without notice ordering the abatement of or abating any nuisance that is a nuisance per se in the law or where the case is an urgent one and the health and safety of the public or a portion thereof is in imminent danger.

Section 5: Demolition of unsafe buildings or structures.

(a) Whenever the City Building Inspector determines that there exists an unsafe building or structure within the City, the City housing inspector or appropriate municipal official shall

serve or cause to be served upon the record owner of such structure or building at the address shown on the City's current ad valorem tax records, and upon any other person or entity known to have a vested interest in such building or structure, a written notice containing the following:

- (1) The street address or legal description of the building, structure, or premises upon which the same is located;
 - (2) A statement indicating that the building or structure has been declared unsafe by the City Building Inspector, specifying the conditions determined to have rendered the building or structure unsafe;
 - (3) Said statement shall further specify the section or sections of the building code, gas code, mechanical code, plumbing code, electrical code, housing code, comprehensive development code, or other code or ordinance alleged to be violated by such building or structure; and
 - (4) Notification that a hearing will be held before the City Council of the City of Sandy Springs to consider whether such building or structure constitutes an unsafe building or structure and the remedial action which shall be required of the owner to render such building or structure safe, including the demolition and removal of such building or structure. The owner and any other parties known to have a vested interest in such building or structure shall be advised that they may be represented by counsel at such hearing and shall be permitted to present any relevant evidence and will be given an opportunity to cross examine all witnesses.
- (b) The notice specified in subsection (a) of this section, shall be mailed to such owner and any other persons known to have a vested interest in such building or structure at least 15 days prior to such hearing and shall be posted in a conspicuous place on the premises to which it relates.
- (c) At such hearing, the Council shall determine whether such building or structure is unsafe, and if so, the Mayor shall enter an order setting forth:
- (1) The specific conditions and deficiencies rendering such building or structure unsafe.
 - (2) If the Council determines that such building or structure can be repaired and restored to a safe condition within a reasonable period of time, such order shall also state the specific conditions and deficiencies to be corrected and the period of time during which such corrections are to be made and that if such conditions and deficiencies are not corrected during said period of time and the owner has not demolished and removed such building or structure within such period of time, the City will demolish and remove such building or structure, at the owner's expense.

- (3) If the Council determines that such building or structure cannot be repaired and restored to a safe condition within a reasonable period of time, such order shall state that the owner shall demolish and remove such building or structure within 10 days thereafter, and upon the failure of the owner to do so, the City will demolish and remove such building or structure, at the owner's expense.
- (d) If the City demolishes and removes any such building or structure pursuant to subsection (c) of this section, then the City shall bill the owner of such building or structure for the reasonable cost thereof, and such cost shall constitute a lien on the real property upon which such building or structure was located, and the City Clerk shall issue execution for the lien. Such execution shall be made in the same manner as execution for delinquent taxes.
- (e) The term "unsafe buildings or structures" shall apply to buildings or structures or portions thereof, existing or hereafter erected, as follows:
- (1) Those deemed structurally unsafe; unstable; unsanitary; constituting a hazard to life because of inadequate exit facilities or otherwise; constituting a fire hazard; unsuitable or improper for the use or occupancy to which it is put; constituting a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence, or abandonment; or otherwise dangerous to life or property; or
- (2) Vacant building or structures or portions thereof deemed to constitute a hazard to health, safety, or property or deemed to constitute a nuisance.
- (f) When a building or structure or portion thereof is in an unsafe condition so that life is in imminent danger, the City housing inspector shall order and require the occupants thereof to vacate the same forthwith or as soon as practicable. The Building Inspector shall, when necessary for the public safety, temporarily close sidewalks, streets, buildings, structures, and places adjacent to such buildings or structures, and prohibit the same from being used.

Section 6: Offense; penalty.

- (a) It is declared to be an offense for any owner, agent, or tenant to maintain a nuisance. Each day a nuisance is continued shall constitute a separate offense. Following 5 days after receipt of certified written notice to the property owner, agent, or tenant, a citation may be issued by the City.
- (b) Penalties for the first violation of this code section shall be a minimum fine of \$100.00. The penalty for second violations of the same provisions of this code section by the same owner or tenant shall be a minimum fine of \$500.00. Third or repeat violations of the same provisions of this code section by the same owner or tenant shall be a minimum fine of \$1,000.00.
- (c) Unless otherwise specified, no penalty issued for a violation of this Article shall be inconsistent with the provisions set forth in Chapter 1, General Provisions, Article 3, Violations, Section 1 of this Code of Ordinances.

Article 4: Animals.

Section 1: Cruel Treatment of Animals Prohibited.

(a) No person shall willfully place within reach of any domestic animals, any substance that is poisonous or harmful to the animal.

(b) No person shall willfully and unjustifiably kill or injure any domestic animal other than livestock maintained for food purposes.

Section 2: Disposal of Deceased Animals.

No person shall place any dead animal upon his or her premises or upon the premises of any other person or allow any dead animal to remain upon his or her premises or any dead animal belonging to the person to remain upon the premises of another without disposing of same or causing the animal to be properly removed or disposed of within 24 hours.

Section 3: Removal of canine fecal matter.

(a) It is unlawful for any person owning, possessing, harboring, or having care, charge, control, or custody of any dog not to remove any feces left by that dog on any sidewalk, gutter, street, lot, public park, or other public area or public property.

(b) Dog waste shall be immediately removed by placing said matter in a closed or sealed container and thereafter disposing of it in a trash receptacle, sanitary disposal unit, or other closed or sealed refuse container.

(c) Each and every violation of this code section shall be punishable to the extent provided by Chapter 1, General Provisions, Article 3, Violations, Section 1 of this Code of Ordinances.

(d) This section shall not apply to visually impaired persons who have the charge, control, or use of a guide dog.

Section 4: Urban Camping Prohibited

(a) *Definitions.* For purposes of this section,

- (1) “Camp” shall mean residing in or using a public street, sidewalk, or park for private living accommodations, such as erecting tents or other temporary structures or objects providing shelter; sleeping in a single place for any substantial prolonged period of time; regularly cooking or preparing meals; or other similar activities.
- (2) “Storing personal property” shall mean leaving one’s personal effects, such as, but not limited to, clothing, bedrolls, cookware, sleeping bags, luggage, knapsacks, or backpacks, unattended for any substantial prolonged length of time. This term shall not include parking a bicycle or other mode of transportation.
- (3) “Public park” includes all municipal parks, public playgrounds, public plazas, attractions, and monuments.
- (4) “Public street” includes all public streets and highways, public sidewalks, public benches, public parking lots, and medians.

(b) *Public parks.* It shall be unlawful to camp or to store personal property in any park, as defined above, owned by the City.

(c) *Public streets.* It shall be unlawful to camp, to sleep, to store personal property, to sit or to lie down on any public street, as defined above.

(d) *Other public property—blocking ingress and egress.* It shall be unlawful to camp, to sleep, to store personal property, to sit or to lie down on any public property so as to interfere with ingress or egress from buildings.

(e) *Warning.* No person may be arrested for violating this code section until he or she has received an oral or written warning to cease the unlawful conduct. If the violator fails to comply with the warning issued, he or she is subject to arrest for urban camping.

(f) *Exceptions.* This code section shall not be construed to prohibit the following behavior:

- (1) Persons sitting or lying down as a result of a medical emergency;
- (2) Persons in wheelchairs sitting on sidewalks;
- (3) Persons sitting down while attending parades;
- (4) Persons sitting down while patronizing sidewalk cafes;

- (5) Persons lying down or napping while attending performances, festivals, concerts, fireworks, or other special events;
- (6) Persons sitting on chairs or benches supplied by a public agency or abutting private property owner;
- (7) Persons sitting on seats in bus zones occupied by people waiting for the bus;
- (8) Persons sitting or lying down while waiting in an orderly line outside a box office to purchase tickets to any sporting event, concert, performance, or other special event;
- (9) Persons sitting or lying down while waiting in an orderly line awaiting entry to any building, including shelters, or awaiting social services, such as provision of meals; or
- (10) Children sleeping while being carried by an accompanying person or while sitting or lying in a stroller or baby carriage.

Article 5: Miscellaneous Offenses.

Section 1: Unauthorized persons entering school buildings.

No person shall enter or remain in any public, private or parochial school building between the hours of 7:30 a.m. and 6:00 p.m. on days that school is in session, or until 10:00 p.m. at those schools which have extended sessions, who is not a regularly-enrolled student, teacher or employee at that school, unless the person shall have first and immediately proceeded to the administrative offices and been identified to the principal or the principal's agent and received written permission to remain on the premises.

Section 2: Unauthorized persons not to remain in school buildings when requested to leave.

It shall be unlawful for any person to enter and remain in any public, private or parochial school or on surrounding school grounds after being directed to leave by the principal of the school or designated agent.

Section 3: Creating a disturbance at schools.

It shall be unlawful for any person to create a disturbance in any private, public or parochial school or on the surrounding school grounds or on the fields or grounds lawfully used for school activities while such recreational areas are in use or other activities within the school or school activities on the school grounds or fields while such activities are in progress thereon.

Section 4: Begging and soliciting alms by accosting or forcing oneself upon the company of another.

(a) *Definitions:* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Accosting means approaching or speaking to someone in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his/her person, or upon the property in his/her immediate possession.

Ask, beg or solicit means and includes, without limitation, the spoken, written or printed word or such other acts as are conducted in furtherance of the purpose of obtaining alms.

Forcing oneself upon the company of another means continuing to request, beg or solicit alms from a person after that person has made a negative response, blocking the passage or the individual addressed or otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede demands.

(b) *Exceptions:* Except when performed in the manner set forth in subsections (d)(1) or (d)(2) of this section, or in any of the locations set forth in subsections (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), (c)(6), (c)(7), (c)(8) or (c)(9) of this section, it shall not be unlawful to ask, beg or solicit money or other things of value.

(c) *Location:* It shall be unlawful for any person to solicit money or other things of value:

- (1) On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property;
- (2) Within 15 feet of the entrance to or exit from any public toilet facility;
- (3) Within 15 feet of an automatic teller machine, provided that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;
- (4) Within 15 feet of any pay telephone, provided that when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility;
- (5) In any public transportation vehicle, or in any bus or subway station, or within 15 feet of any bus stop or taxi stand;
- (6) From any operator of a motor vehicle that is in traffic on a public street; provided, however, that this paragraph shall not apply to services rendered in connection with emergency repairs requested by the owner or passengers of such vehicle;

- (7) Within 15 feet of any valid vendor location as defined in the _____ City Code, chapter ____, article ____, division ____, section ____;
 - (8) From any person(s) who are waiting in line for entry to any building, public or private, including, but not limited to, any residence, business or athletic facility;
 - (9) Within 15 feet of the entrance or exit from a building, public or private, including, but not limited to, any residence, business, or athletic facility.
- (d) *Manner:* It shall be unlawful for any person to solicit money or other things of value:
- (1) By accosting another; or
 - (2) By forcing oneself upon the company of another.
- (e) *Who may press charges:* Persons who may press charges under this Code section include not only the victim of the prohibited solicitation, but also any person who witnesses such conducted, including, but not limited to, police officers, security officers, hotel personnel, and bystanders. Evidence to support conviction for violation of this Code section may include, but is not limited to, the testimony of such witness or witnesses, videotape evidence of the violation, and/or other admissible evidence.

Section 5: Treasure hunts.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Treasure hunts means advertising campaigns conducted for the purpose of promoting the sale of any merchandise, commodity or service of any business or profession conducted for private or corporate gain, whereby some article, thing or token is hidden within the corporate limits of the city and clues as to the locations of such article, thing or token are given by any form of advertising, either by newspaper, radio or television or in any other manner, but shall not include private social parties involving no element of commerce or gain.

- (b) It shall be unlawful for any person to conduct or aid and abet in the conducting of any treasure hunt as defined in this section, within the corporate limits of the city.

Section 6: Moving household goods at night.

It shall be unlawful for any person to move or transport household goods and furnishings from one place of residence to another between the hours of sunset and sunrise without first having obtained a permit to do so from the police chief. All applications for permits shall be filed more than 24 hours prior to the time of actual moving.

Section 7: Residential picketing.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Picket or picketing shall refer to the following types of activity:

- (1) To patrol or station oneself at a residence, bearing some insignia or sign designed to persuade or protest;
- (2) Staging a public or private protest of any kind;
- (3) Obstructing passage to or from a residence; or
- (4) Promoting a strike or a boycott at an individual residence.

(b) It shall be unlawful for any person to picket or engage in picketing upon, before or about the private residence or home of any individual.

(c) Any person who is found guilty of violating this section shall be penalized as provided in the General Penalties.

Section 8: False representations to police or any city department.

It shall be unlawful for any person, knowingly and willfully and with intent thereby to mislead, either in such person's own behalf or in behalf of others, as principal or as agent, to make or file orally or in writing any false representations of fact to any police officer of the city or to any department of the city government.